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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in the critical areas of concern and further action and initiatives: women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building

Statement submitted by Canadian Voice of Women for Peace, a non-governmental organization in special consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31 of 25 July 1996.

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* E/CN.6/2004/1.



Toward Delegitimizing War

"You must do the thing you think you can not do." (Eleanor Roosevelt) It is an outrage that the 20th century saw more people killed in wars than all previously recorded time had. An outrage that now the vast majority of those killed in war are civilians, indeed, women and children. An outrage that the crises of Earth — air, water, lands, forests — the poverty gap, the AIDS pandemic cry out to be addressed, but resources pour instead into war and militarism. And the ever-increasing lethality of weapons in this century is such that women and children and other living things cannot afford war any more.

War must be rejected as a legitimate instrument to resolve disputes. The global community is increasingly concerned about the escalation of use of force and about the legitimization of war. Not only was a high percentage of civil society opposed to the latest US led invasion of Iraq, but also the vast majority of member states of the UN General Assembly.

What makes this voice unique is that it reflects a larger, far more fundamental concern than the apparent illegality of this specific military intervention. The multiplicity of demonstrators across ethnic and country borders, opposition from member states, and the surge in peace activism since last fall, in fact, represent a general opposition to resort to the means of war for solving interstate conflict. When the anti-war concerns of the international community were ignored, the sentiment that under no circumstances should war be legal crystallized. There was increasing concern that even if the UN Security Council had endorsed the military invasion of Iraq, the invasion still would not be legitimate.

This concern has also created a renewed interest in the efficiency of existing structures and the rationale behind specific international norms of conduct, in the need to respect Chapter VI of the UN Charter, in a greater role for the International Court of Justice and in respect for the rule of international law.

We are at a crossroads: The redefinition of "self-defence" under Article 51 of the UN Charter to legitimize war in Afghanistan and subsequent unilateral assertions of a right of pre-emptive/ preventive attack have created the increased potential of escalating war. The stage is set for states to use such policies to legitimize military interventions. Pre-emptive aggression could be the future. Or, efforts of citizens and member states of the UN could, through the UN, be directed toward delegitimizing the cause of suffering and destruction.

"The notion that war is legitimate is sustained by the insistence of states that they must have substantial levels of military forces and weapons," according to renowned peace researcher Anatol Rapoport. The world is in especially grave peril when the development of nuclear weapons continues to be a sinister focus of military industries. An estimated \$8 trillion has been spent on nuclear weapons since 1945. There are still around 30,000 nuclear weapons — equivalent to about 300,000 Hiroshima bombs. This is despite the undertaking in 2000 by the nuclear weapons member states (in the review of the Non-Proliferation Treaty) to accomplish the total elimination of their nuclear arsenals. And, in spite of the Advisory Opinion of the International Court of Justice handed down in July 1996 that the use or threat to use nuclear weapons is contrary to international humanitarian law. The risk of nuclear catastrophe — even, omnicide — by accident or intent, hangs over us all.

As well, the NPT obliges all its members to pursue general and complete disarmament. Instead, perniciously lethal weaponry continues to seriously flout the NPT and raises grave questions about violations of Geneva Protocol II and the need to expand the category of prohibited weapons.

The long-term disastrous environmental, health and social consequences of war and the preparation for war are also the result of the notion that war is legitimate. Recent studies have shown that armed forces are the single largest polluter on earth and that, often, destruction of the environment has been consciously used as a method of warfare in contravention of the convention related to the prevention of the modification of the environment in conflict.

The costs of war cannot be addressed through reconstruction projects. Hidden costs to civilians as well as to military personnel include the effects of destroying societal relationships, the disintegration of the social fabric, trauma, humiliation, confusion and destitution, i.e. the emotional and psychological chaos in the physical chaos instigated by warfare.

The logical conclusion to be drawn from the discussion above is that humanity simply cannot afford militarism and war.

The seeds for delegitimizing war have been planted through the UN Charter and through over 50 years growth of UN instruments. For years, member states have incurred obligations under the Charter, treaties, conventions, and covenants, made commitments under conference action plans, and created expectations through UN General Assembly resolutions that would, if implemented and enforced, give substance to the delegitimization of war, as do numerous statements by civil society. For example:

The fundamental purpose of the UN Charter is to prevent the scourge of war. Chapter VI of the Charter provides for means to prevent war, including the application of Article 27.3 — the requirement for parties to a conflict to abstain in the vote, and the requirement under Article 37 to take potential situations of armed conflict to the International Court of Justice.

The Hague Agenda for Peace and Justice for the 21st Century, which emerged from a civil society conference of 10,000 people of all ages from many countries, calls for the abolition of war. (Ref A/54/98)

The United Nations Declaration on the Rights of Peoples to Peace asserts that peace is a right of all peoples, "convinced that life without war, 'peace with justice,' and not just the absence of war serve as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms." (Resolution 39/12 November 1984)

The Forward Looking Strategies for the Advancement of Women to the Year 2000 (Nairobi 1985) includes global commitment to recognize that "peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affairs of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violations of human rights and fundamental freedoms."

1. We urge that the value of non-violence be imbedded in all peace accords. In addition to the multiplicity of model provisions in peace accords in support of

women and girls contained in the report of the Expert Group Meeting (November 2003), we recommend there be obligatory comparable formal arrangements for the exploration, development and maintenance of the appropriate institutions and capacity that will promote and sustain peace, at all levels of society. In particular, these additional arrangements must provide for the development and maintenance of alternative, non-violent systems of security, and accessible peace/human rights education.

Constitutional language must support these provisions.

All decision-making bodies involved in this endeavour shall have no fewer than 40 per cent women at the table, including women from the civil sector.

2. We urge the CSW to refer in all its statements and position papers to the goal of preventing the scourge of war expressed in the UN Charter's preamble.
3. We urge the CSW to endorse the idea of integrating peace/human rights education into ALL systems of education as a positive means of preventing violent conflict.
4. We urge the CSW to recommend to the Secretary General that the mandate of the newly established 16-member "Panel on Threats, Challenges and Change" (November 2003) include the institutional provisions necessary to delegitimize war and to rigorously examine and provide for further development of non-violent governmental and civilian options in order to move away from the devastating consequences of violent military intervention.
5. We urge that, in support of Security Council resolution 1325 (October, 2000), this Panel be comprised of no fewer than 40 per cent women.
6. We urge the CSW to recommend that the Panel redefine what constitutes security. Security has been misconstrued as "military security" and "human security" has been posited to validate "humanitarian intervention" and used to legitimize violent military intervention. In 1985 the Canadian Voice of Women for Peace presented to the NGO Forum in Nairobi the concept of "true security," which included the idea that the common enemy is the war system itself with its vast infrastructure of supporting institutions. We suggest that Olaf Palme's concept of common security — peace, environment, social justice and environmental protection — reflects more accurately the purpose of the UN Charter, and the accumulated protective UN treaties and conventions.
7. We urge the CSW to call for the implementation of the long-standing commitment to reallocate the global military budget which now is nearing \$1 trillion/year. For years UN member states have made various commitments to reallocate the global military budget and transfer the peace dividend for common security as they did in Agenda 21 (1992) and the Beijing Platform for Action (1995.)
8. We urge the CSW to call for the strengthening of Chapter VI of the UN Charter and to put the case that Chapter VII, which condones conditional legitimization of war, must be recognized as being in contravention of the purpose of the UN Charter itself.

It remains to mobilize the collective will to achieve reform and render war illegitimate.